



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 13, 2007

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:06 p.m.

INVOCATION:

Council member Walquist introduced Dr. Randolph Scott from Pleasant Grove Baptist Church to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Police Chef Daniel Flynn to lead the pledge of allegiance.

PRESENTATIONS:

PROCLAMATIONS:

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:**

Council member Coleman thanked Council member Walquist and everyone who attended the dedication of Hill Park on June 9th. The new pocket park is located at the corner of Waddell Street and Lemon Street.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under Ordinances: Agenda item 200700438 was added to the consent agenda. Agenda item 20070636 was removed from the agenda.

-under the Attorney's Report: Agenda item 20070644 should note Council member Coleman abstaining.

-under Judicial/Legislative: Agenda item 20070370 was added to the consent agenda and amended to read, "Motion to approve the proposed changes to the Comprehensive Development Code regarding the Commercial Corridor Design Overlay District, with an additional amendment. Section 712.09 B1(b) should read, "...Fairground Street from Birney Street to South Cobb Drive..."

A motion was made by Council member Goldstein, seconded by Council member King, to suspend the rules of order to add an agenda item to authorize advertisement of proposed Ordinance Amendments to the Comprehensive Development Code of the City of Marietta, Division 712.09, paragraphs E and G, regarding the optional elements points of the Commercial Corridor Design Overlay District. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

(See agenda item 20070673)

A motion was made by Council member Goldstein, seconded by Council member King, to add agenda item 20070673 to the consent agenda. The motion carried by the following vote.

Vote: 7 - 0 - 0

Approved

Additional amendments were made to the consent agenda:

-under Other Business: Agenda item 20070563 was added to the consent agenda.

-under Other Business: Agenda item 20070668 was added to the consent agenda and amended to read, "Motion to approve the purchase of designated property as discussed, subject to the property being appraised for the purchase amount."

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walquist, seconded by Council member Coleman, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council member Goldstein abstaining on agenda items 20070608, 20070611, 20070622, 20070624, 20070625, 20070626, 20070629, 20070630, 20070631 and 20070566.

-Council member Coleman abstaining on agenda item 20070644.

-Council member Coleman and Pearlberg voting against agenda item 20070618.

MINUTES:

- * **20070540** **Regular Meeting - May 9, 2007**
Review and approval of the May 9, 2007 regular meeting minutes.

This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

- | | | | |
|---|-----------------|--|------------------------|
| * | 20070548 | <p>Marietta Development Authority Appointments</p> <p>Reappointment of Ed Hammock (Post 2), Judy Renfroe (Post 6), and Mike Henderson (Post 7) to the Marietta Development Authority. Post 2 would be a two-year term expiring May 16, 2009; Posts 6 & 7 would be six-year terms expiring May 16, 2013.</p> <p>This Matter was Approved on the Consent Agenda.</p> <p>Vote: 7 - 0 - 0</p> | <p>Approved</p> |
|---|-----------------|--|------------------------|

ORDINANCES:

- | | | |
|---|--|--|
| * | <p>20070438</p> <p><i>Ord. 7047</i></p> | <p>CA2007-17 Amending the Comprehensive Development Code regarding the Zoning Review Requirements for Single-Family Homes</p> <p>Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710.01 regarding the Zoning Review Requirements for Single-Family Homes.</p> <p>This Matter was Approved on the Consent Agenda.</p> <p>Vote: 7 - 0 - 0</p> <p style="text-align: right;">Approved</p> |
| * | <p>20070608</p> <p><i>Ord 7048</i></p> | <p>Code Enforcement - 401 Water Oak Way</p> <p>An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 401 Water Oak Way in the corporate limits of the City of Marietta.</p> <p>Certified mail receipt not received as of May 22, 2007</p> <p>Taxes paid: Yes</p> <p>PUBLIC HEARING REQUIRED</p> <p>This Matter was Approved on the Consent Agenda.</p> <p>Vote: 6 - 0 – 1</p> <p>Abstaining: Philip M. Goldstein</p> <p style="text-align: right;">Approved</p> |
| * | <p>20070611</p> | <p>Code Enforcement - 879 Meadow Place</p> |

Ord 7049 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 879 Meadow Place in the corporate limits of the City of Marietta.

Certified mail receipt received, returned unclaimed, May 22, 2007

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstaining: Philip M. Goldstein

*** 20070622 Code Enforcement - 482 Hyde Drive**

Ord 7050 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 482 Hyde Drive in the corporate limits of the City of Marietta.

Certified mail receipt received May 23, 2007

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstaining: Philip M. Goldstein

*** 20070624 Code Enforcement - 272 Kirkpatrick Drive**

Ord 7051 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 272 Kirkpatrick Drive in the corporate limits of the City of Marietta.

Certified mail receipt returned unsigned and unclaimed May 5, 2007.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstaining: Philip M. Goldstein

*** 20070625 Code Enforcement - 308 Pine Street**

Ord 7052 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 308 Pine Street in the corporate limits of the City of Marietta.

Certified mail receipt received unsigned, unable to forward May 19, 2007.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstaining: Philip M. Goldstein

- * **20070626** **Code Enforcement - 535 Fort Street**
 Ord 7053 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 535 Fort Street in the corporate limits of the City of Marietta.
 Certified mail receipt not received as of June 1, 2007.
 Taxes paid: Yes
 PUBLIC HEARING REQUIRED

 This Matter was Approved on the Consent Agenda.
 Vote: 6 - 0 – 1 **Approved**
 Abstaining: Philip M. Goldstein
- * **20070629** **Code Enforcement - 378 Cole Street**
 Ord 7054 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 378 Cole Street in the corporate limits of the City of Marietta.
 Certified mail receipt returned, signed with stamp May 17, 2007.
 Taxes paid: Yes
 PUBLIC HEARING REQUIRED

 This Matter was Approved on the Consent Agenda.
 Vote: 6 - 0 – 1 **Approved**
 Abstaining: Philip M. Goldstein
- * **20070631** **Code Enforcement - 855 Whitlock Avenue**
 Ord 7055 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 855 Whitlock Avenue in the corporate limits of the City of Marietta.
 Certified mail receipt has been returned UNSIGNED, May 22, 2007.
 Taxes paid: Yes
 PUBLIC HEARING REQUIRED

 This Matter was Approved on the Consent Agenda.
 Vote: 6 - 0 – 1 **Approved**
 Abstaining: Philip M. Goldstein
- * **20070636** **Code Enforcement - 269 Pam Lane**
 An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 269 Pam Lane in the corporate limits of the City of Marietta.
 Certified mail receipt received May 24, 2007.
 Taxes Paid: Yes
 PUBLIC HEARING REQUIRED

 This matter was Removed.

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20070644 Denial of a claim**
Denial of a claim by Shequalia Brown.
This Matter was Approved to Deny Claim on the Consent Agenda.
Vote: 6 - 0 - 1 **Approved to Deny Claim**
Abstaining: Rev. Anthony Coleman

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**

- * **20070549 FY2008 Recommended Budget**
Ord 7057 Ordinance adopting the Fiscal Year 2008 budget for the various City funds contingent on the approval of the Sanitation Fee increase and the 2007-2008 Positions Allocation Chart & Pay Classification Plan. Further, prior to any money being used to create the Historic Preservation guidelines, a poll shall be taken in each potential district as determined by the Historic Preservation Commission. Using the guidelines set up by the DMDA, 60% of the property owners must be in favor in order to proceed with the creation of the Historic Preservation guidelines. If not, the funds shall be transferred back to the General Fund for the City.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**
- * **20070550 Welcome Center Budget**
C/A 3411 Motion to allocate hotel/motel and 3% auto rental tax funds and approve the Welcome Center Budget
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**
- * **20070663 SPLOST Bond Authorizing Resolution**
Res 2007-1423 Approval of the SPLOST Bond Authorizing Resolution to issue \$9,820,000 Series 2007 SPLOST Bonds, subject to modifications by the city attorney and the city manager.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20070579 Amendment to FY07 Budget**

Ord 7058

Approval of an Ordinance amending the FY07 budget to transfer \$250,000 from the General Fund, with \$200,000 allocated to the Pension Fund and \$50,000 allocated to the Economic Development Marketing Fund.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

*** 20070370 CA2007-15 Amending the Comprehensive Development Code regarding the Commercial Corridor Design Overlay District**

Ord 7059

Approval of proposed Ordinance Amendments to the Comprehensive Development Code of the City of Marietta, Division 712.09, paragraph B, regarding the Commercial Corridor Design Overlay District.

Motion to approve the proposed changes to the Comprehensive Development Code regarding the Commercial Corridor Design Overlay District, with an additional amendment. Section 712.09 B1(b) should read, "...Fairground Street from Birney Street to South Cobb Drive..."

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20070563 Manget Detailed Plan**

Motion to approve the revised Manget Phase I Detailed Plan dated April 30, 2007, provided however that nothing contained herein shall modify the overall number of single family detached units (totaling 77) or the total number of units (totaling 265) approved on the general plan. As was approved in the general plan, the total number of units shall not exceed 265 and the minimum number of single family detached units shall be no less than 77 for all phases of this development. Any modifications to these totals shall be subject to the approval of the City Council.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

- | | | |
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| * | 20070589 | Employment Agreement - Administrative Assistant to the Mayor |
| | <i>C/A 3412</i> | Motion to approve the Employment Agreement for Mary Ann Landers as the Administrative Assistant to the Mayor. |
| | | This Matter was Approved on the Consent Agenda. |
| | | Vote: 7 - 0 - 0 Approved |
| * | 20070554 | City/BLW FY 2007-2008 Position Allocation Chart & Pay and Classification Plans |
| | <i>Ord 7060</i> | Approval of an Ordinance adopting the FY 2007-2008 Position Allocation Chart and the Pay and Classification Plans for the City of Marietta/BLW and adoption of the Electrical Lineworkers Compensation and Career Development Plan. |
| | | This Matter was Approved on the Consent Agenda. |
| | | Vote: 7 - 0 - 0 Approved |
| * | 20070562 | Amendment of Personnel Rules to Provide for FY2008 BLW Lineworkers Program |
| | <i>Ord 7061</i> | Motion to amend City Code Sections 4-4-6-010, 4-4-6-030, 4-4-8-050, 4-4-22-030, 4-4-24-020, 4-4-28-030 and 4-4-28-110 to provide for the FY2008 BLW Lineworkers Career Development and Compensation Program. |
| | | This Matter was Approved on the Consent Agenda. |
| | | Vote: 7 - 0 - 0 Approved |

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

- | | | |
|---|-----------------|---|
| * | 20070561 | <p>Sanitation Fees</p> <p>Motion to increase the FY08 Budget for Sanitation fees beginning July 1, 2007.</p> <p><i>Council members Coleman and Chalfant voting against.</i></p> <p>This Matter was Approved on the Consent Agenda.</p> <p>Vote: 7 - 0 - 0 Approved</p> |
| * | 20070566 | <p>Denmeade Street</p> <p>Motion to approve the closure and abandonment of a portion of Denmead Street.</p> <p>This Matter was Approved on the Consent Agenda.</p> <p>Vote: 6 - 0 – 1 Approved</p> <p>Abstaining: Philip M. Goldstein</p> |

SCHEDULED APPEARANCES:

20070666 Mr. Bob Kinney, East Worthington Resident

Permitting for new deck.

East Worthington Resident, Bob Kinney, expressed concern with the permitting process for building a new deck.

This matter was Present.

UNSCHEDULED APPEARANCES:*** 20070668 Purchase of Property**

Motion to approve the purchase of designated properties as discussed, subject to the property being appraised for the purchase amount.

Motion to approve the purchase of designated property as discussed, subject to the property being appraised for the purchase amount.

This matter was Approved on the Consent Agenda.

Vote: 5 – 2 – 0

Approved

Voting against: Van Pearlberg and Rev. Anthony Coleman

OTHER BUSINESS:**20070638 V2007-21Dealers Supply Co., Inc. 1148 Hayes Industrial Drive**

V2007-21 Dealers Supply Co., Inc. requests a variance for property located in Land Lot 09450, 16th District, Parcel 0210, 2nd Section of Cobb County, Marietta, Georgia and being located at 1148 Hayes Industrial drive. Variance to eliminate the 10-foot planted border area adjacent to Hayes Industrial Drive (712.08.G) Ward 5. The following additional stipulations are incorporated herein:

- 1) The applicant is given authority to plant certain trees and/or vegetation on City right-of-way located around the subject property, as approved by the appropriate staff members of the City of Marietta.
- 2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way.
- 3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.

Motion to approve the request for a variance for property located at 1148 Hayes Industrial drive, with the following stipulations:

- 1) The applicant is given authority to plant certain trees and/or vegetation on City right-of-way located around the subject property, as approved by the appropriate staff members of the City of Marietta.*
- 2) The applicant shall permanently maintain the trees and/or vegetation planted on the City right-of-way.*
- 3) The City of Marietta has the right to remove the trees and/or vegetation planted by the applicant at any time it is deemed appropriate.*

The motion was made by Council member Walquist, seconded by Council member Pearlberg, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

* **20070542**

FY2007 Section 8 Annual Plan

*Res. 1424
and
C/A 3413*

Resolution authorizing the Mayor to sign all necessary PHA Certifications of Compliance and approving the FY2007 Section 8 Annual Plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070616**

November City Council Meeting

Motion to move the November Committee of the Whole meeting to the 8th and the November City Council meeting to the 19th.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070673**

Commercial Corridor Design Overlay District

Motion to authorize advertisement of proposed Ordinance Amendments to the Comprehensive Development Code of the City of Marietta, Division 712.09, paragraphs E and G, regarding the optional elements points of the Commercial Corridor Design Overlay District.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20070607**

BLW Actions of June 11, 2007

Review and approval of the June 11, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 7:55 p.m.

Date Approved: July 11, 2007

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk